

SENATE BILL 162

By Briggs

AN ACT to amend Tennessee Code Annotated, Title 37  
and Title 71, relative to caregivers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 2, Part 4, is amended by  
adding the following new section:

(a) As used in this section:

(1) "Department" means the department of children's services; and

(2) "Relative caregiver" means a person within a first, second, or third  
degree of relationship to the parent or the step-parent of a child who may be  
related through blood, marriage, or adoption.

(b) The department shall create a pilot program to provide payments to eligible  
relative caregivers in accordance with this section. The pilot program must begin  
January 1, 2022, and continue through December 31, 2024.

(c) A relative caregiver must receive payment equal to fifty percent (50%) of the  
full foster care rate for the care of a child if:

(1) The child has not been placed in state custody;

(2) The child is sixteen (16) years of age or younger;

(3) The relative caregiver is twenty-one (21) years of age or older;

(4)

(A) The child was placed in the care of the relative caregiver by a  
court pursuant to chapter 1, part 1;

(B) The court awarded custody of the child to the relative  
caregiver by final court order; and

(C) At least six (6) months have passed since the date of the final court order;

(5) The child is at risk of entering state custody, as determined by the court that awarded custody to the relative caregiver pursuant to chapter 1, part 1;

(6) The relative caregiver's total adjusted household income does not exceed more than twice the current federal poverty guidelines based on the size of the family unit. As used in this subdivision (c)(6), "household income" is determined by including the income of the primary relative caregiver, the spouse of the primary relative caregiver, and any adult children of the relative caregiver who are living in the same home as the relative caregiver;

(7) The relative caregiver agrees to seek the establishment and enforcement of child support, including, but not limited to, the naming of the father of a child for purposes of paternity establishment, unless good cause not to cooperate exists, as defined by the department by rule; and

(8) The relative caregiver agrees to participate in any programs offered by the department to reduce the risk of the child entering state custody.

(d) Payment pursuant to subsection (c) is subject to the initial and continuing eligibility of the relative caregiver and the child pursuant to this section and rules promulgated by the department. There is no entitlement to payment by a relative caregiver pursuant to subsection (c).

(e) The department may establish additional requirements for payment pursuant to subsection (c); however, no such requirement shall be that the child is or has been in the custody of the department. Additional requirements may include:

(1) That the relative caregiver provide fingerprint samples and submit to a criminal history records check to be conducted by the Tennessee bureau of investigation and the federal bureau of investigation;

(2) That the relative caregiver provide personal and professional references;

(3) That the department conduct a home visit of the relative caregiver and interview the relative caregiver and any persons who reside in the relative caregiver's home; and

(4) That the relative caregiver cooperate with any activities required by the department to reduce the likelihood that the child will enter state custody, such as counseling, therapy or court sessions, or visits with family members.

(f) No later than February 1 following the conclusion of each calendar year of the pilot program, the department shall publish an annual report on the payments required by this section. The content of the report must include, but is not limited to:

(1) The amount of payments made pursuant to this section;

(2) Rates at which children in the custody of relative caregivers who receive payment pursuant to this section enter state custody as compared to the rates of other at-risk children;

(3) The number of children that remained out of state custody as a result of the pilot program created by this section; and

(4) The amount of any money saved as a result of children remaining out of state custody as a result of the pilot program created by this section.

(g) The commissioner of children's services may promulgate rules and regulations necessary to carry out this section pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2022, the public welfare requiring it. This act ceases to be effective January 1, 2025.